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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARIA MATA,

Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.
dba SMITH'S FOOD & DRUG; DOES I
through XXX, inclusive and ROE BUSINESS
ENTITIES I through XXX, inclusive,

Defendants.

Case No.: 2:23-cv-01788-JAD-EJY

PROPOSED JOINT PRE-TRIAL ORDER

The parties, by and through their undersigned counsel, hereby submit this Joint Pretrial Order pursuant to Local Rule 16-3. After pretrial proceedings in this cause,

IT IS ORDERED:

I.

STATEMENT OF THE FACTS/CONTENTIONS OF THE PARTIES

This is an action for personal injuries arising from a trip-and-fall incident that occurred on September 12, 2021. Plaintiff contends that as a result of the alleged incident, she incurred significant injuries with incurred medical specials totaling **\$167,769.64**. Defendant contends it was not liable for the subject incident, and that Plaintiff's injuries and post-incident treatment were not caused by the subject incident.

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II.

STATEMENT OF JURISDICTION

This action was removed to this Court on November 2, 2023. Removal was proper pursuant to 28 U.S.C. §1441, because the amount in controversy exceeds \$75,000; the suit involves a controversy between a citizen of Nevada and none of the properly joined Defendants are based in Nevada.

III.

**THE FOLLOWING FACTS ARE ADMITTED BY THE PARTIES
AND REQUIRE NO PROOF:**

1. Venue is proper.
2. The Court has subject matter jurisdiction to preside over this action.
3. Defendant owed a duty of care to Plaintiff based on her status as a patron on its premises.
4. Plaintiff tripped and fell over a pallet on the floor while shopping on Defendant's premises.
5. The parties do not know how long the condition upon which Plaintiff tripped existed prior to the subject incident.

IV.

**THE FOLLOWING FACTS, THOUGH NOT ADMITTED, WILL NOT BE
CONTESTED AT TRIAL BY EVIDENCE TO THE CONTRARY:**

1. None.

V.

**THE FOLLOWING ARE THE ISSUES OF FACT TO BE TRIED
AND DETERMINED AT TRIAL.**

1. Whether Defendant should have removed or otherwise alleviated the presence of the pallet on the floor of its premises.
2. Whether Plaintiff's own actions or inactions caused or contributed to occurrence of the subject incident.
3. What, if any, is the reasonable amount of Plaintiff's reasonable and necessary medical expenses arising out of the subject incident.



4. What, if any, is the reasonable amount of plaintiff's pain and suffering damages arising out of the subject incident.

VI.

THE FOLLOWING ARE THE ISSUES OF LAW TO BE TRIED AND DETERMINED AT TRIAL.

[Each issue of law must be stated separately and in specific terms.]

1. Whether the pallet on the floor of Defendant's premises constituted a hazardous condition.
2. Whether Defendant had notice, actual or constructive, of the presence of the pallet upon which Plaintiff tripped.
3. Whether the presence of the pallet on the floor of Defendant's premises constituted a breach of Defendant's duty owed to Plaintiff.
4. Whether Plaintiff was comparatively negligent for the occurrence of the subject incident.
5. Whether the subject incident was a proximate cause of Plaintiff's claimed injuries and damages.

VII.

EXHIBITS THAT WILL BE OFFERED INTO EVIDENCE

1. Plaintiff's Exhibits

	EXHIBITS	BATES NOS.
1.	Plaintiff's Complaint	PLTF 0001-0005
2.	Incident Report	PLTF 0006-0008
3.	Photographs (8) of Plaintiff's Injuries	PLTF 0009-0015
4.	Photograph (1) of Plaintiff's Shoes	PLTF 0016
5.	Medical records and billing from ALIGN CHIROPRACTIC for dates of service 9/15/21-5/2/22	PLTF 0017-0104
6.	Medical records and billing from NEVADA SPINE CLINIC for dates of service 11/18/21-9/8/22	PLTF 0105-0196
7.	Medical records and billing from SMOKE RANCH SURGERY CENTER for dates of service 4/14/22-6/16/22	PLTF 0197-0246
8.	Medical records, billing and imaging from PRECISION DIAGNOSTIC IMAGING for date of service 5/12/22 (imaging available at the expense of the requestor)	PLTF 0247-0253
9.	Medical records, billing and imaging from SIMON MED IMAGING for dates of service 11/17/21-1/12/22 (imaging available at the expense of the requestor)	PLTF 0254-0280
	Billing from LIEN RX LLC for date of service 2/23/22	PLTF 0281-0282





	Billing from CVS PHARMACY for dates of service 12/29/21-4/9/22	PLTF 0283-0285
5.	Initial expert report of John Peterson, CSHM	PLTF 0286-0324
6.	Curriculum Vitae, fee schedule & prior testimony history of John Peterson, CSHM	PLTF 0325-0378
7.	Curriculum Vitae and fee schedule of Chris Kim, DC	PLTF 0379-0381
8.	Curriculum Vitae, fee schedule & prior testimony history of Jaswinder Grover, MD	PLTF 0382-0391
9.	Curriculum Vitae, fee schedule & prior testimony history of Babuk Ghuman, MD	PLTF 0392-0394
10.	Curriculum Vitae, fee schedule & prior testimony history of Christopher Fisher, MD	PLTF 0395-0397
11.	Curriculum Vitae of Ali Badday, MD	PLTF 0398-0399
12.	Licensee Verification of Takesh Sazmand, DO	PLTF 0400-0402
13.	Licensee Verification of Travis Scharnweber, MD	PLTF 0403-0404

Plaintiff reserves the right to introduce as evidence any and all documents and other tangible things identified by Defendant herein.

2. Defendant's Exhibits

1.	Incident Report	DEF-0000001 – DEF-0000003
2.	Customer Statement	DEF-0000004 – DEF-0000005
3.	Evidence Report	DEF-0000006 – DEF-0000008
4.	Two (2) color copies of photographs taken from the date of the subject incident	DEF-0000009 – DEF-0000010
5.	Letter from Sedgwick CMS to Maria Mata dated October 18, 2021	DEF-0000011 – DEF-0000012
6.	Letter from Parish D. Heshmati, Esq. to Registered Agent dated November 3, 2021	DEF-0000013
7.	Letter from Parish D. Hechmati, Esq. to Smith's Food and Drug dated November 3, 2021	DEF-0000014 – DEF-0000015
8.	Letter from Sedgwick CMS to Parish D. Heshmati, Esq. dated November 24, 2021	DEF-0000016
9.	Letter from Sedgwick CMS to Parish D. Heshmati, Esq. dated December 15, 2021	DEF-0000017
10.	Letter from Ramzy P. Ladah, Esq. to Sedgwick CMS dated January 19, 2022	DEF-0000018 – DEF-0000020
11.	Letter from Ramzy P. Ladah, Esq. to Sedgwick CMS dated January 19, 2022	DEF-0000021 – DEF0000022
12.	Letter from Sedgwick DMS to Ramzy Paul Ladah, Esq. dated January 20, 2022	DEF-0000023
13.	Latter from Ramzy P. Ladah, Esq. to Sedgwick CMS dated June 16, 2023	DEF-0000024 – DEF-0000031
14.	Letter from Sedgwick CMS to Ramzy Paul Ladah, Esq. dated June 23, 2023	DEF-0000032



15.	One (1) compilation DVD saved by the View Room from the date of the incident: 4A2109C233G – Store 305 – Maria Mata – Date of Loss: 09/12/21 – DXA Files 1 of 1.	Disclosed with Defendant’s Initial Disclosure Statement
16.	Grocery/GM – Department Safety Requirements	Disclosed with Defendant’s Answers to Plaintiff’s Interrogatories and Defendant’s Response to Plaintiff’s Request for Production of Documents
17.	SMITH’S Employee Handbook	Disclosed with Defendant’s Answers to Plaintiff’s Interrogatories and Defendant’s Response to Plaintiff’s Request for Production of Documents
18.	SMITH’S #305 Floor Plan	Disclosed with Defendant’s Answers to Plaintiff’s Interrogatories and Defendant’s Response to Plaintiff’s Request for Production of Documents
19.	Plaintiff’s Answers to Defendant’s Interrogatories	
20.	Plaintiff’s Response to Defendant’s Request for Admissions	
21.	Plaintiff’s Response to Defendant’s Request for Production	

Defendant reserves the right to introduce as evidence any and all documents and other tangible things identified by Plaintiff herein. Defendant also reserves to right to introduce a display pallet, similar to the one at-issue herein, as a demonstrative exhibit.

VIII.

STIPULATIONS AS TO EXHIBITS

The parties anticipate that many of the above-listed exhibits will be pre-admitted by way of stipulation. However, the parties have not determined, as of this time, which specific exhibits will subject to such stipulation.

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IX.

**AS TO THE FOLLOWING EXHIBITS, THE PARTY AGAINST
WHOM THE SAME WILL BE OFFERED OBJECTS TO THEIR
ADMISSION UPON THE GROUNDS STATED**

1. Objections to Plaintiff's exhibits: Defendant reserves all objections to Plaintiff's exhibits including, but not limited to, authenticity, foundation, hearsay and relevance. Defendant reserves its right to object to any exhibits as permitted by the Federal Rules of Civil Procedure and Federal Rules of Evidence.
2. Objections to Defendant's exhibits: Plaintiff reserves all objections to Defendant's exhibits including, but not limited to, authenticity, foundation, hearsay and relevance. Plaintiff reserves her right to object to any exhibits as permitted by the Federal Rules of Civil Procedure and Federal Rules of Evidence.

X.

STATEMENT CONCERNING THE USE OF ELECTRONIC EXHIBITS

1. Plaintiff: Plaintiff intends to present evidence in both hard copy and electronic form.
2. Defendant: Defendant intends to present evidence in both hard copy and electronic form.

XI.

DEPOSITIONS INTENDED TO BE OFFERED AT TRIAL

1. Plaintiff: None at this time.
2. Defendant: None at this time.

XII.

OBJECTIONS TO DEPOSITIONS

1. Plaintiff: Not applicable at this time.
2. Defendant: Not applicable at this time.

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XIII.

THE FOLLOWING WITNESSES MAY BE CALLED BY THE PARTIES AT TRIAL

A. Plaintiff's Witnesses

1. Plaintiff, MARIA MATA
c/o LADAH LAW FIRM
517 S. Third Street
Las Vegas, NV 89101
2. Person(s) Most Knowledgeable of Defendant,
SMITH'S FOOD & DRUG CENTERS, INC. dba SMTH'S FOOD & DRUG
c/o Cooper Levenson PA
3016 W. Charleston Boulevard
Las Vegas, NV 89135
3. Julian Santana
c/o LADAH LAW FIRM
517 S. Third Street
Las Vegas, NV 89101
4. Marlene Nahe
c/o LADAH LAW FIRM
517 S. Third Street
Las Vegas, NV 89101
5. Priscilla Rodriguez
c/o LADAH LAW FIRM
517 S. Third Street
Las Vegas, NV 89101
6. Brian Leon
c/o LADAH LAW FIRM
517 S. Third Street
Las Vegas, NV 89101
7. John Peterson, CSHM
Retail Litigation Consultants LLC
6620 Buckskin Ave.
Las Vegas, NV 89108
8. Chris Kim, DC
And/or PMK and/or Custodian of Records
ALIGN CHIROPRACTIC
801 S. Decatur Boulevard
Las Vegas, Nevada 89107





9. Jaswinder Grover, MD
Babuk Ghuman, MD
Christopher Catapano, DO
Curtis Boardman, CRNA
Christopher Fisher, MD
Nick Zarkos, MD
And/or PMK and/or Custodian of Records
NEVADA SPINE CLINIC
7140 Smoke Ranch Road, Suite 150
10. Babuk Ghuman, MD
And/or PMK and/or Custodian of Records
SMOKE RANCH SURGERY CENTER
7180 Smoke Ranch Road
Las Vegas, Nevada 89128
11. Ali Badday, MD
And/or PMK and/or Custodian of Records
PRECISION DIAGNOSTIC IMAGING
7140 Smoke Ranch Road, Suite B
Las Vegas, Nevada 89128
12. Takesh Sazmand, DO
Travis Scharnweber, MD
And/or PMK and/or Custodian of Records
SIMON MED IMAGING
7455 W. Washington Avenue, Suite 120
Las Vegas, NV 89128
13. PMK and/or Custodian of Records
LIEN RX LLC
5470 W. Sahara Avenue, Suite B
Las Vegas, NV 89146
14. PMK and/or Custodian of Records
CVS PHARMACY
6100 Spring Mountain Road
Las Vegas, NV 89146
15. PMK and/or Custodian of Records
DON NOBIS PHYSICAL THERAPY/
PROGRESSIVE PHYSICAL THERAPY
801 S. Rancho Drive, Suite F4
Las Vegas, NV 89106

Plaintiff hereby incorporates all expert witness lists propounded by Defendant and reserves the right to call rebuttal witnesses to any expert witness called by the Defendant at the

time of trial. Plaintiff further reserves the right to name any other witnesses as may be necessary for the purpose of rebuttal and/or impeachment.

B. Defendant's Witnesses

1. Maria Mata, Plaintiff
c/o LADAH LAW FIRM
517 SouthThird Street
Las Vegas, NV 89101
(702) 252-0055
2. Julian Santana
Address Unknown
(702) 337-9746
3. Kassandra Merrill
c/o SMITH'S Store No. 305
3602 East Bonanza Road
Las Vegas, NV 89110
(702) 438-4787
4. Jeremy Buckley
c/o SMITH'S Store No. 306
2255 Las Vegas Blvd. North
North Las Vegas, NV 89030
(702) 642-1000
5. Joseph Lapreta, Director of Store #305, or
other Knowledgeable Representative of SMITH'S
c/o COOPER LEVENSON, P.A.
3016 West Charleston Boulevard - #195
Las Vegas, NV 89102
(702) 366-1125
6. Person(s) Most Knowledgeable
Align Med
801 South Decatur Boulevard
Las Vegas, NV 89107
(725) 214-7100
7. Person(s) Most Knowledgeable
Nevada Spine Clinic
7140 Smoke Ranch Road – Suite 150
Las Vegas, NV 89128
(702) 320-8111
8. Person(s) Most Knowledgeable
Smoke Ranch Surgery Center
7180 Smoke Ranch Road
Las Vegas, NV 89128
(702) 483-2270





9. Person(s) Most Knowledgeable
SimonMed Imaging
7455 West Washington Avenue – Suite 120
Las Vegas, NV 89128
(702) 433-6455

10. Person(s) Most Knowledgeable
CVS Pharmacy
6100 Spring Mountain Road
Las Vegas, NV 89146
(702) 364-5232

11. Person(s) Most Knowledgeable
LienRx
2600 West Sahara Avenue – Suite 120
Las Vegas, NV 89102
(702) 257-2620

12. Person(s) Most Knowledgeable
American Radiology
7140 Smoke Ranch Road
Las Vegas, NV 89128
(702) 320-8111

Defendant reserves the right to call as a witness any and all witnesses identified by Plaintiff herein.

XIV.

THE PARTIES AND/OR ATTORNEYS HAVE MET AND JOINTLY OFFER THE FOLLOWING THREE TRIAL DATES:

1. June 9, 2025;
2. August 18, 2025; and
3. September 8, 2025.

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XV.

TIME FOR TRIAL

It is estimated that the trial will take a total of 5 - 7 full days.

DATED this 27th day of January, 2025.

DATED this 5th day of February, 2025.

LADAH LAW FIRM

COOPER LEVENSON P.A.

/s/ Ramzy P. Ladah, Esq.

/s/ Scott L. Stonehocker, Esq.

RAMZY P. LADAH

JERRY BUSBY

JOSEPH C. CHU

SCOTT L. STONEHOCKER

517 S. Third Street
Las Vegas, NV 89101

3016 W. Charleston Boulevard, Suite 195
Las Vegas, NV 89102

Attorneys for Plaintiff

Attorneys for Defendant

LADAH LAW
— F I R M —



1 **IT IS HEREBY ORDERED THAT:**

- 2 1. **Trial date.** This case is set down for a JURY trial on the Tuesday, August 12, 2025,
3 9:00 a.m. two-week trial stack.
- 4 2. **Calendar call.** The parties must appear for Calendar Call on July 28, 2025, at 1:30 p.m.
- 5 3. **Length of trial.** Though the parties have indicated that they anticipate this will be a 5 to
6 7-day trial, upon review, the court concludes that this case should take no more than 4
7 full days to try, so the parties should plan and prepare their witness schedules to finish
8 this trial within 4 days, and during voir dire, the court will seek a jury that is time-
9 qualified for 4 days.
- 10 4. **Trial documents must be filed by Calendar Call.** No later than noon on the day before
11 the scheduled Calendar Call, each party must file with the Court: (a) the parties' trial
12 briefs; (b) a list of each party's witnesses; (c) a stipulated exhibit list, and separate exhibit
13 lists for exhibits that are not stipulated (the parties must meaningfully meet and confer to
14 prepare a stipulated exhibit list before this deadline); (d) jointly proposed jury
15 instructions and separate jury instructions for proposed instructions that are not stipulated
16 to; (e) each party's proposed voir dire questions.
- 17 5. **Deposition designations due 30 days before trial.** Any party who anticipates
18 presenting deposition testimony in lieu of live testimony must file (a) page-and-line
19 designations along with (b) a mini version of each relevant deposition transcript at least
20 30 days before trial; failure to timely file deposition designations will result in the
21 preclusion of the testimony at trial. **Objections** to such designations must be filed no
22 later than **five calendar days after** the designations are filed; failure to file timely
23 objections to deposition designations renders those objections waived. **Responses to any**
24 **such objections are due three calendar days after** the objections are filed. **Absent**

1 **extraordinary circumstances, no extension of these deadlines will be granted** with or
2 without a stipulation because rulings on such designations are time-consuming and the
3 court requires sufficient time in advance of trial to make them.

4 6. **Motions in limine.**

5 a. **MIL deadlines.** Motions in limine (MILs) are due June 13, 2025, and
6 responses are due 14 days later. These court-ordered deadlines override any deadline
7 contained in a federal or local rule and will not be extended absent extraordinary
8 circumstances. MIL replies will be allowed only with leave of court, and each side may
9 file only a single request for leave, see L.R. 16-3(a).

10 b. **Additional MIL requirements.** The process for preparing and filing
11 motions in limine will be governed by the following additional rules and considerations:

12 i. *Meaningful meet-and-confer required.* As Local Rule 16-3
13 requires, before any motion in limine is filed, the parties must meet and confer (by
14 telephone or in person not merely by email or some other form of writing) about the
15 substance of each contemplated in-limine issue and attempt to reach an agreement on the
16 issue. Evidentiary agreements reached during this process must be memorialized by a
17 written stipulation. If the parties do not reach an agreement on an issue and a motion in
18 limine remains necessary, the motion must be accompanied by a declaration certifying
19 that counsel actually conferred in good faith to resolve the issue before the motion was
20 filed (or re-filed), see L.R. 16-3(a). The failure to include the certificate of counsel will
21 result in the automatic denial of the motion without the opportunity to cure this
22 deficiency.

iii. *Omnibus filing.* Any party desiring to file motions in limine on multiple issues or requesting multiple rulings must include all in-limine issues in a SINGLE, omnibus motion that numbers each issue consecutively; no party may file multiple, separate motions. This format eliminates the need for redundant recitations of facts and introductory statements of the law. If the size of the omnibus motion exceeds the page limit in the local rule, see L.R. 7-3(b), a separate motion to exceed the page limits should be filed contemporaneously with the omnibus motion; the motion to exceed page limits must not be styled as an “emergency.”

iv. *Vague requests prohibited.* The parties are cautioned that vague requests based on speculative issues, like requests to generally preclude improper attorney arguments, violations of the golden rule, or irrelevant evidence will be flatly denied. The court intends to follow the rules of evidence and procedure at trial and expects the parties to do the same. Motions seeking little more than an order enforcing a rule waste the court's time and the parties' resources. Counsel is strongly cautioned that abuse of the motion-in-limine vehicle in this manner may result in sanctions against the attorneys.

DATED: 2/6/2025

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